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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,927	07/24/2001	Felix Henry	1807.1618	3539
5514 7590 11/08/2005 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER LAROSE, COLIN M	
			ART UNIT 2627	PAPER NUMBER
DATE MAILED: 11/08/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/910,927		HENRY ET AL.	
	Examiner		Art Unit	
	Colin M. LaRose		2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/17/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 28 June 2005 has been entered.

Typos in the Claims

2. Claims 3 and 4 contain typos that should be corrected:

In claim 3, the period in the 4th line should be changed to a comma or semi colon.

Claim 4 should end with a period.

Specification

3. In view of Applicant's comments regarding the embedded hyperlink, the previous objection to the Specification has been withdrawn.

Information Disclosure Statement

4. In view of Applicant's resubmission of the English-language search report, German Patent 35 18 301 A1 has been considered as indicated on the PTO-1449 attached hereto.

Response to Amendments and Arguments

Art Unit: 2623

5. Applicant's arguments regarding claims 1 and 7 have been fully considered and are sufficient to overcome the previous 102(b) rejection in view of the Tyler reference. Therefore, the previous rejection has been withdrawn. However, a new ground of rejection is presented below in view of newly discovered prior art.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1-3, 5-9, and 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,638,498 by Tyler et al. ("Tyler") in view of "The Importance of Percent-Done Progress Indicators for Computer-Human Interfaces" by Myers.

Regarding claims 1 and 7, Tyler discloses a method (figure 13, executed by the device 26 in figure 2) for alerting during the progressive decoding of a digital image coded with a region of interest (ROI), comprising the steps of:

detecting the end of decoding of the region of interest (block 310 detects whether a region of interest has finished decoding); and

activating of an indication of the end of decoding of the said region of interest (block 310: if the end of decoding the region of interest is detected, then an indication of "YES" is activated).

Tyler does not disclose that the indication is activated "by displaying an indicator in an indicator-display area at a predetermined position on a screen," as claimed. Rather, Tyler only appears to disclose providing an indication that is internal to the software method of figure 13 and is not displayed to a user.

Myers discloses the desirability of displaying a progress indicator to a user while a computer is processing a given task. "Percent-done progress indicators are a technique for graphically showing how much of a long task has been completed," and they "give the user enough information at a quick glance to estimate how much of the task has been completed and when the task will be finished" (column 2, page 11). Myers teaches that virtually any computer process that takes time to complete would benefit from displaying a progress indicator to a user – e.g. file transfers, program loading, compilation, text processing, etc. (column 2, page 12). In particular, progress indicators such as shown in figures 1-4 inform a user of the beginning and ends of a process as well as the progress thereof.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tyler by Myers to display a progress indicator to a user to inform the user of the end of decoding of an ROI since Tyler discloses a process that involves decoding and displaying an ROI (figure 3, step 46; figure 13), and Myers teaches that for computer processes such as file transfers and the like that it is preferable to provide a user with a displayed indication of the progress of the process so that the user is informed the overall duration and remaining time required to execute the process (see e.g. column 1, page 13: “people ... prefer to have progress indicators”).

Regarding claims 2 and 8, the combination of Tyler and Myers discloses the method according to claim 1 characterised in that it further includes the stages of:

activation of an indication of the start of decoding of the said region of interest, and
activation of an indication of the progress of the decoding of the said region of interest
(i.e. Myers' progress indicators indicate both the start, progress, and end of a given process).

Regarding claims 3 and 9, the combination of Tyler and Myers discloses a method according to claim 1 or 2, characterised in that it further includes the stages of:

activation of an indication of decoding of the coded data of the image which are not in the said region of interest (block 310 detects when the region of interest has finished decoding; after decoding, the descriptors for another region are loaded at block 312; and the program flow continues to block 302, which activates an indication of “YES” when to start the decoding of the “another” region), and

activation of an indication of the end of decoding of the coded data of the image which are not in the said region of interest (block 310: if the end of decoding the “another” region is detected, then an indication of “YES” is activated).

Regarding claims 5 and 11, Tyler discloses a data receiving method/device incorporating the alerting method according to claim 1 or 2 (figures 1-3).

Regarding claims 6 and 12, Tyler discloses a method/device for progressive decoding of a digital image coded with a region of interest, incorporating the alerting method according to claim 1 or 2 (figures 1-3).

Regarding claim 13, Tyler discloses a device according to claim 7 or 8 characterised in that the detection and activation means are incorporated into:

- a microprocessor (26, figure 2);
- a read-only memory (30, figure 2) including a program for processing the data, and
- a random-access memory (28, figure 2) including registers suitable for registering variables modified in the course of the running of the said program.

Regarding claim 14, Tyler discloses an apparatus for processing a digital image, characterised in that it includes means suitable for implementing the method according to claim 1 or 2 (figure 1).

Regarding claim 15, Tyler discloses an apparatus for processing a digital image, characterised in that it includes the device according to claim 7 or 8 (figure 1).

Regarding claim 16, Tyler discloses a storage medium storing a program for alerting during the progressive decoding of a digital image coded with a region of interest according to claim 1 (ASIC, figure 2a).

Art Unit: 2623

Regarding claim 17, Tyler discloses a storage medium according to claim 16, characterized in that it is detachably mountable on a device according to claim 7 or 8 (i.e. ASICs are detachable integrated circuit chips).

Regarding claim 18, Tyler discloses a storage medium according to claim 16, characterized in that it is a floppy disk or a CD-ROM (column 6, line 4: Tyler discloses the use of a floppy disk).

Regarding claim 19, Tyler discloses a computer program on a storage medium and comprising computer executable instructions for causing a computer to alert during the progressive decoding of a digital image coded with a region of interest according to claim 1 or 2 (i.e. Tyler discloses implementing the method in software).

9. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,638,498 by Tyler et al. ("Tyler") in view of "The Importance of Percent-Done Progress Indicators for Computer-Human Interfaces" by Myers, as applied to claims 1 and 7, and further in view of U.S. Patent 5,436,637 by Gayraud et al. ("Gayraud").

Regarding claims 4 and 10, Myers discloses providing the displayed indication in a window on the screen (figure 3), however, Myers does not appear to disclose that the position of the indicator-display area is alterable by a user.

Gayraud discloses that conventionally, graphical user interfaces employ windows. Gayraud further discloses that such windows are alterable by a user. That is, the user may change the size, position, shape, etc. of the window according to individual preferences. See column 1, lines 49-63. In view of this teaching, it would have been obvious to those skilled in

Art Unit: 2623

the art at the time of the invention that Myers' window containing a progress indicator (i.e. figure 3) was alterable by a user, and that a user could change the position of the window and thus the progress indicator at will, based on personal preference or the like.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Colin M. LaRose whose telephone number is (571) 272-7423. If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Bhavesh Mehta, can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600 Customer Service Office whose telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CML
Group Art Unit 2627
30 October 2005

JINGGEWU
PRIMARY EXAMINER

